

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 3:23-CR-00125
v.	)	
	)	JUDGE HOLMES
BRANDON WESLEY ROGERS	)	

MOTION FOR DETENTION HEARING AND DETENTION

The United States of America, by and through Henry C. Leventis, United States Attorney, and Brooke C. Farzad, Assistant United States Attorney for the Middle District of Tennessee, requests a hearing pursuant to 18 U.S.C. § 3142(f)(1)(A), which mandates a hearing upon motion of the United States in a case that involves a crime of violence.

In this case, the defendant was charged on August 28, 2023, with five counts, under chapter 110, for Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2). Pursuant to 18 U.S.C. § 3156(a)(4)(C), the term “crime of violence,” as used in 18 U.S.C. § 3142(f)(1)(A), includes any felony under chapter 109A, 110, or 117. Therefore, the United States is entitled to a detention hearing in this case.

The United States further moves that the Court detain the defendant unless he is able to overcome the rebuttable presumption, pursuant to 18 U.S.C. § 3142(e)(3)(E), that no conditions, or combination of conditions, will reasonably assure his presence in court or the safety of the community, if this Court finds that there is probable cause to believe that the defendant committed an offense under 18 U.S.C. § 2252A.

This case arises out of a CyberTip to the National Center for Missing and Exploited Children (NCMEC). The Defendant uploaded/shared approximately 20 video files containing apparent child pornography to Kik Messenger, which resulted in the submission of the CyberTip

to NCMEC. In connection with an investigation related to the CyberTip, a search warrant was executed on the Defendant's Kik account where; in addition to finding evidence of the distribution of several videos of obvious Child Sexual Abuse Materials, law enforcement also found several live videos (videos taken using the Kik application rather than being pulled from pre-existing photos/videos from the phone's photo gallery) of the Defendant where he appears to be masturbating to electronic photos of a young red-headed female. The female in these photos appears to be either a teenager or in her early twenties. The Defendant appears to have engaged in conversation with another Kik user, to which he sent several of these indecent videos and nude images of himself. Additionally, after a search warrant was executed at the Defendant's residence, the Defendant was interviewed by law enforcement, he waived his *Miranda* rights, and admitted to both receiving and distributing child pornography via Kik.

The United States further moves for a continuance of three days in order to prepare for the detention hearing.

Respectfully submitted,

HENRY C. LEVENTIS  
United States Attorney for the  
Middle District of Tennessee

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be served on defense counsel at or before the time of the initial appearance in this case.

On this, the 30<sup>th</sup> day of August, 2023.

/s/ Brooke C. Farzad  
Brooke C. Farzad